

Committee Room,  
Austin, Texas, October 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred S. B. No. 85, A bill to be entitled "An Act authorizing the temporary closing and suspension of state banks, bank and trust companies under certain conditions for the purpose of conserving the assets thereof and formulating and executing a plan of liquidation or reorganization; providing for the appointment of a depositors' committee to examine and investigate the condition of the suspended bank and to formulate and recommend a plan of liquidation or reorganization, and permitting such plan when approved by the Banking Commissioner of Texas and depositors and other creditors of the bank representing at least seventy-five per cent in amount of its total deposits and other liabilities; authorizing the proper administrative official, officials, board or tribunal in charge of deposits or funds belonging to the State of Texas and county, city, common school district, independent school district, or other political subdivision of this State to participate in and agree to such plan of liquidation or reorganization, and prescribing the duties of the Banking Commissioner in such cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

#### NINETEENTH DAY—Continued.

Senate Chamber,  
Austin, Texas,  
October 11, 1933.

The Senate met at 9 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

At Ease.

By unanimous consent, the Senate stood at ease until 9:30 o'clock a. m.

#### Senate Bill No. 73.

The question recurred upon S. B. No. 73.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 73 by striking out the figures "\$15,000.00" in Section No. 1 and substitute therein the sum of "\$4800.00 per annum.", and by substituting the word "two" for the word "five" in line 18 of said section.

HOLBROOK.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

Beck.	Regan.
Fellbaum.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Pace.	Woodruff.
Purl.	Woodward.

Nays—11.

Blackert.	Murphy.
Collie.	Oneal.
Cousins.	Patton.
DeBerry.	Poage.
Holbrook.	Rawlings.
Hornsby.	

Absent.

Greer.	Redditt.
Hopkins.	Woodul.
Parr.	

Absent—Excused.

Duggan.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 73, Section 2 of bill, by striking out in line 22 of said section the figures "\$1800," and substituting the figures "\$600," and striking out the figures "\$6,000," in line 25 and substituting the figures "\$4800."

HOLBROOK.

The amendment was read.

Senator Purl moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Beck.	Neal.
Cousins.	Pace.
Fellbaum.	Patton.
Martin.	Purl.
Moore.	Regan.

Russek.	Stone.
Sanderford.	Woodruff.
Small.	Woodward.

Nays—9.

Blackert.	Murphy.
Collie.	Oneal.
DeBerry.	Poage.
Holbrook.	Rawlings.
Hornsby.	

Absent.

Greer.	Redditt.
Hopkins.	Woodul.
Parr.	

Absent—Excused.

Duggan.

The bill was passed to engrossment  
by the following vote:

Yeas—17.

Beck.	Purl.
Fellbaum.	Redditt.
Hopkins.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Parr.	Woodul.
Patton.	

Nays—9.

Blackert.	Murphy.
Collie.	Poage.
DeBerry.	Rawlings.
Holbrook.	Small.
Hornsby.	

Present—Not Voting.

Woodward.

Absent.

Cousins.	Greer.
Duggan.	Pace.

On motion of Senator Purl, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and S. B. No. 73 was put  
on its third reading and final passage  
by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Fellbaum.	Parr.
Hopkins.	Patton.
Hornsby.	Purl.
Martin.	Rawlings.

Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.
Small.	

Nays—2.

Holbrook.	Poage.
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Absent.

Greer.

Absent—Excused.

Duggan.

Read third time and finally passed  
by the following vote:

Yeas—19.

Beck.	Purl.
Cousins.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	

Nays—8.

Blackert.	Hornsby.
Collie.	Murphy.
DeBerry.	Poage.
Holbrook.	Rawlings.

Present—Not Voting.

Woodward.

Absent.

Greer.	Neal.
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Absent—Excused.

Duggan.

Resolution Referred.

H. C. R. No. 39, referred to Com-  
mittee on Civil Jurisprudence.

Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following resolutions:

H. C. R. No. 41, authorizing the  
Enrolling Clerk of the House to make  
certain corrections in the caption of  
H. B. No. 63.

H. C. R. No. 39, clarifying the authority between Article 696, Revised Civil Statutes of 1925, and Chapter 165, page 280, Acts of the Forty-second Legislature, Regular Session.

H. C. R. No. 42, allowing the House to suspend Rule No. 23 of the Joint Rules, in order to consider H. B. No. 81.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 102.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senator Martin:

S. B. No. 102, A bill to be entitled "An Act authorizing any county, city, common school district, independent school district, road district, irrigation and drainage district, and any other political subdivision to accept bonds issued by Federal Home Loan Bank Board or Home Owners' Loan Corporation in payment of delinquent taxes due such political subdivisions and providing that the said Federal Home Loan Bank Board and Home Owners' Loan Corporation shall be subrogated to the lien or liens securing the payment of such taxes and providing that the said Federal Home Loan Bank Board and Home Owners' Loan Corporation may extend the time of payment of such taxes with agreement of the tax debtor, and provided that this Act shall not apply to cities having a population of five thousand or less, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

On motion of Senator Small, the bill was laid on the table subject to call.

#### H. C. R. No. 41.

The Chair laid before the Senate:

H. C. R. No. 41, Authorizing correction of the caption of H. B. No. 63.

Read and adopted.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had

been read, the following bills and resolutions:

H. B. No. 100, H. B. No. 127,  
H. C. R. No. 20, H. B. No. 110.  
H. C. R. No. 37.

#### H. C. R. No. 42.

The Chair laid before the Senate:  
H. C. R. No. 32, Authorizing the House to suspend Joint Rule No. 23 to permit passage of H. B. No. 81.  
Read and adopted unanimously.

#### Senate Bill No. 54.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 54, A bill to be entitled "An Act amending Sections Eight (8), Nine (9) and Ten (10) of Chapter 186, General Laws of Texas, Thirty-ninth Legislature, Regular Session 1925. Said chapter providing for the construction and maintenance of State highways under the control of the State Highway Department, regulating the making of highway contracts and providing for security therefor; the sections so amended to be hereinafter set out in full, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Moore sent up the following amendment:

Amend S. B. No. 54 as follows:  
By striking out Section 3 and renumbering the succeeding sections to conform, and amend the caption to conform to the body of the bill.

MOORE,  
PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	DeBerry.
Blackert.	Fellbaum.
Collie.	Holbrook.
Cousins.	Hopkins.

Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Purl.	

**Absent—Excused.**

Duggan.	Greer.
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Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Duggan.	Greer.
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**Senate Bill No. 26.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 26, Granting certain taxes to Willacy County.

Read second time.

On motion of Senator Parr the bill was laid on the table subject to call.

**Senate Bill No. 60.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Russek:

S. B. No. 60, A bill to be entitled "An Act fixing the salaries of county commissioners in every county in this State having a population of not less than 30,700 and no more than 30,725, according to the last preceding Federal census; providing

for the manner of payment, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 60 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Duggan.	Greer.
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Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Parr.	Woodul.
Pace.	Woodward.

**Nays—2.**

Holbrook.	Murphy.
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**Present—Not Voting.**

DeBerry.

**Absent—Excused.**

Duggan.	Greer.
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**Senate Bill No. 47.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 47, A bill to be entitled "An Act to provide for the location, establishment, purchase, improvement and maintenance of industrial farm centers for citizens of Texas without means of self-support and providing opportunity for such persons to plant, cultivate, and market agricultural products and raise, use and market poultry and livestock for their support, defining qualifications for admission, excluding certain persons, appropriating \$100,000.00 for the purchase and improvement of 250 or 300 acres of land in Zavalla County, Texas, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and failed to pass to engrossment.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 123, A bill to be entitled "An Act creating a closed season upon wild turkey for a period of five (5) years in the Counties of Liberty and Hardin, in the State of Texas; making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild turkey within said counties, for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act making it lawful to kill squirrels in Coleman County at any time; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 163, A bill to be entitled "An Act ceding to the City of Corpus Christi, Texas, all public lands within the bed of the Nueces River, from its mouth to its junction with the eastern boundary line of McMullin County; permitting lessees within such area to contract with the city for the

abandonment of any producing oil or gas wells within such area; repealing laws in conflict herewith, and declaring an emergency."

H. B. No. 164, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 24,060, nor more than 24,100, according to the last Federal census, and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency."

H. B. No. 168, A bill to be entitled "An Act amending Chapter 116, Acts of the Regular Session of the Forty-third Legislature, by adding thereto Sections 28-a, 28-b, 28-c, 28-d, and 28-e, so as to provide for the regulation of the manufacture, selling, distribution, disposition, storage, and transportation of vinous beverages, and prescribing, defining and providing the means, manner, and method thereof; providing for the licensing and regulating of persons dealing therein; providing for the assessment and collection of taxes and fees, and the method and manner thereof, and declaring an emergency."

H. B. No. 178, A bill to be entitled "An Act providing for the pledging of local school funds from district taxes and other local sources to be used to pay the interest and sinking fund on a loan or loans from the Federal Government for certain purposes; authorizing the pledging of annual tax receipts by the board of trustees, with the consent and approval of the county superintendent and the county board of school trustees; authorizing the making of contracts with lenders upon certain terms; providing for a sinking fund for the loans so made; requiring a certain amount to be placed in the sinking fund, and the greater amount where necessary; authorizing boards of trustees, with the consent and approval of the county superintendent and the county board of school trustees, to execute quitclaim deeds to school sites to the Federal Government; etc., and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not

less than twenty-two thousand five hundred (22,500) and not more than twenty-two thousand nine hundred and fifty (22,950), according to the last preceding Federal census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; etc., and declaring an emergency."

H. B. No. 194, A bill to be entitled "An Act making certain independent school districts to receive donations of cash and donations of land upon which to build, erect and construct buildings in which its junior colleges may be maintained and operated, and wherein an additional two years of college work may be taught so as to constitute a university; authorizing the board of education or board of trustees of such school districts to borrow money from the Federal Emergency Administration of Public Works under the provisions of the National Industrial Recovery Act, or from any other source, for the purpose of building, erecting, and constructing on such lands buildings for such purposes and the purchasing of necessary equipment and appliances and the installation thereof in such buildings and to mortgage and encumber such lands, buildings, equipment, and appliances, and the income, rents, tolls, fees, and other charges to be derived from the operation thereof and to evidence the obligation therefor, by the issuance of bonds; etc., and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act to amend Acts, 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, relating to fishing in Gillespie and other counties, so as to change the tackle that may be lawfully used; the period for the open season; the legal length of certain fish; the number of fish which may be caught in Kendall County; prescribing a penalty, and declaring an emergency."

H. B. No. 204, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway

No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the 'County and Road District Highway Fund'; etc., and declaring an emergency."

H. B. No. 205, A bill to be entitled "An Act to amend Subdivision 66, of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in Hill County, constituting the Sixty-sixth Judicial District of Texas, and declaring an emergency."

H. B. No. 210, A bill to be entitled "An Act granting permission to Gainesville Red River Bridge Company to sue the State Highway Commission as such, and the State of Texas upon a purported contract; fixing venue; making an appropriation to cover the expenses of the Attorney General in defending such suit, etc., and declaring an emergency."

H. B. No. 213, A bill to be entitled "An Act for the purpose of opening the waters of Lavaca Bay in Calhoun County, Texas, for shrimp trawling during the months of September, October, November and December of each year; opening Powder Horn Lake in Calhoun County, Texas, for seining during the months of December, January and February of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 40.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 40, A bill to be entitled "An Act authorizing the issuance of relief bonds to the extent of Five Million (\$5,000,000) Dollars under Section 51-A, Article III, of the Constitution of the State of Texas, for the purpose of extending relief to bona fide residents of the State of Texas who desire to purchase small farm homes, creating the Texas Farm Commission and designating the membership thereof and prescribing the duties of said Commission; au-

thorizing the Commission to issue and sell said bonds as provided herein and providing the procedure for the sale of said bonds, the disposition of the proceeds thereof, and the manner for repayment of the principal and interest of said bonds at maturity."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Redditt sent up the following amendments:

Amend S. B. No. 40, by striking out all below the enacting clause and substituting the following:

"Section 1. The issuance of bonds of the State of Texas, upon the faith and credit thereof in the aggregate sum of \$5,000,000.00, and in conformity with Section 51-A, Article III of the Constitution of the State of Texas, is hereby authorized in the form, manner and as specified for bonds authorized by the First Called Session of the Forty-third Legislature of Texas and known as "Texas Relief Bonds"; the amount of said bonds hereby authorized being in addition to any other bonds authorized to be issued.

"Sec. 2. Immediately after the effective date of this Act the Commission hereby created shall, as hereinafter provided, direct the Texas Relief Commission to cause to be issued and sold the bonds herein authorized and said Texas Relief Commission shall cause the same to be issued and sold and the payment thereof provided for in the same manner as the bonds as heretofore or as may be afterward authorized to be issued and sold and the payment thereof provided for by said Texas Relief Commission.

"Sec. 3. The Treasurer of the State of Texas shall be custodian of all bonds issued under the provisions of this Act until the same are sold and are ready for delivery. He shall deliver the bonds as and when sold upon the direction of the Commission hereby created. He shall receive and be the custodian of the proceeds of the sale of said bonds, which shall, in no event, be less than par and accrued interest of the bonds sold. The State Treasurer of the State of Texas is directed to credit all funds derived from sales of bonds authorized hereby to a fund to be known as

the 'Farm Relief Fund,' and he shall disburse said funds by means of warrants drawn upon vouchers drawn by the Comptroller of Public Accounts on said funds and approved by the commission hereby created as hereinafter provided.

"Sec. 4. For the purpose of administering the proceeds of the bonds hereby authorized to be issued and sold, there is hereby created an official commission of the State of Texas to be known as 'The Texas Farm Relief Commission,' which said commission shall be composed of nine (9) members who shall serve without compensation, who shall constitute the board of directors of said commission. Said commission shall be appointed by the Governor of the State of Texas, the Lieutenant Governor and the Speaker of the House of Representatives, and shall be selected, so far as practicable, from the different sections of the State of Texas. The nine (9) members so selected shall draw lots for terms of office. The terms of three (3) of said members shall expire on the first day of September 1935, three (3) on the first day of September 1937 and three (3) on the first day of September 1939. The terms of office to be for a term of six (6) years except as to the original members of said commission whose terms shall be as herein specified. A majority of the membership of said commission shall constitute a quorum. The Governor of the State of Texas, the Lieutenant Governor of the State of Texas and the Speaker of the House of Representatives and the Commissioner of Agriculture shall serve as an advisory committee to said commission, and shall have the right to attend all meetings and sessions but shall have no authority to vote. Immediately after the effective date of this Act, the above named State officials shall assemble and elect one of their number as chairman of the commission hereby created. No member of said commission or of said advisory committee shall be entitled to any additional compensation for carrying out the duties herein entrusted to them, but shall be entitled to receive such actual and necessary expenses as may be incurred in the execution of official duties imposed upon him hereby. All official acts of said com-

mission shall be performed at sessions open to the public, and permanent minutes and records shall be kept and preserved as public records.

"Sec. 5. The proceeds of the bonds the sale of which are hereby authorized are to be used for subsistence homesteads for its citizens; and it shall be the duty of the commission to administer all funds made available to it to that end. Said commission being authorized to use said funds for the purchase of lands for subsistence homesteads, the making of loans therefor, and otherwise aiding in making it possible for the distressed and unemployed citizens of Texas to produce their own food and acquire subsistence homesteads. To that end the said commission shall establish and make such rules and regulations as may be necessary for the proper expenditures and collection of, and reinvestment for the same purpose of said funds. The moneys collected as repayment of loans made in the carrying out of the purposes of this Act, shall be deposited in the State Treasury to the 'Farm Relief Fund' and shall constitute a part of said fund to be administered as the original fund so deposited.

"Sec. 6. The commission hereby created is authorized and directed to negotiate with the United States Government in efforts to secure funds from the United States Government for subsistence homesteads in Texas and to match funds with said Federal Government if and when practicable and desirable to do so, and to conform and follow the rules and regulations governing the expenditures of Federal funds where and when necessary.

"Sec. 7. The said commission is further authorized to receive and administer any funds available from any source for the purposes herein specified.

"Sec. 8. Said commission is hereby authorized to hold title to property in the name of said commission and to convey title to property in the name of said commission, and all instruments of contract or conveyances authorized by said commission to be executed by the chairman thereof attested by the secretary.

"Sec. 9. Disbursements shall be by vouchers signed by the State Di-

rector and countersigned by the secretary and one member of the commission so authorized by resolution of the commission. An accurate account of all disbursements of funds shall be kept by said commission and a statement thereof filed with the State Comptroller every thirty (30) days; such statement to show an itemized accounting of all funds dealt with by said Commission; the administrative cost of said commission to be reported separately from the expenditures made for subsistence farms and farming purposes.

"Sec. 10. All persons whether members of the commission or employees thereof having disposition of, or control of funds shall be required by the commission to execute satisfactory bonds guaranteeing the fidelity of said persons, said bonds to be approved by the Attorney General of Texas and the premiums on same to be paid out of appropriations herein made for administrative expenses.

"Sec. 11. The said commission is hereby authorized to employ such clerical and other help as in its judgment may be necessary including a director whose salary shall not exceed \$5,000.00 per year. The sum of \$50,000.00, or so much thereof as may be necessary, is hereby appropriated for the purpose of administering the provisions of this Act during the fiscal year ending August 31, 1934, and the sum of \$50,000.00, or so much thereof as may be necessary, is hereby appropriated for the purpose of defraying the necessary costs of this commission and carrying out the provisions of this Act for the fiscal year ending August 31, 1935. The expense of printing the bonds, as well as all expense incident to the issuance and sale thereof shall be paid out of the funds hereby appropriated; and it is further provided that no portion of the proceeds of the sale of the bonds hereby authorized shall be used for administration purposes.

"Sec. 12. Said Texas Farm Commission is hereby specifically authorized and empowered to negotiate with the Federal Government and any of its agencies in carrying out the provisions herein provided and shall be specifically authorized to receive Federal Funds for farm relief in Texas, and to make any and



all necessary agreements necessary for same.

"Sec. 13. No person shall be eligible to receive the benefits of this Act unless he or she is the head of a family and unless he or she has been an actual bona fide resident of the State of Texas for at least three (3) years prior to September 1, 1933 and produces satisfactory evidence that said person has no home and desires to live permanently upon a subsistence homestead; nor shall any person be permitted to acquire at any one time, more than one (1) subsistence homestead.

"Sec. 14. Said commission is authorized to extend farm relief by loans to applicants over a period of twenty (20) years and shall not charge a rate of interest in excess of five (5%) per cent per annum. When the relief extended is for the purpose of purchasing or assisting in purchasing a home, farm relief or any other purpose, it shall be extended only for certain lengths of time as may be deemed proper by the commission and under such terms as the rules and regulations shall prescribe.

"Sec. 15. Any and all agencies of the State Government are hereby authorized and directed to furnish to the Texas Farm Commission such services and information as may be available to it or within its power to furnish; and the county agricultural agent of each of the several counties of Texas is authorized and directed to act whenever so directed by this commission for the purpose of receiving applications for loans and relief and perform such other duties as required under such rules and regulations as may be determined upon by said commission; and it shall be the duty of the said county agricultural agent to regularly make inspection of the homesteads and of the activities of persons receiving relief hereunder as required and directed by the commission.

"Sec. 16. Any person receiving benefits under this Act must agree that he or she will actually occupy the premises of any homestead acquired through the relief herein provided, and use, cultivate and occupy the same in accordance with the rules and regulations provided by this commission as long as there is

any indebtedness due and owing to said commission and the State of Texas; and no sale or transfer of same can be made of any homestead acquired through relief granted under the terms of this Act without the permission of said commission.

"Sec. 17. The Texas Farm Commission shall not have any authority to extend benefits under the terms of this Act to any person in excess of \$1,000.00.

"Sec. 18. It shall be the duty of the Board of Directors of the Texas Farm Commission, immediately upon the passage of this Act to enact the necessary constitution and by-laws for the Texas Farm Commission and all rules and regulations for promptly carrying out the purposes of this Act.

"Sec. 19. The importance of this Legislation and the fact that many persons who are bona fide inhabitants of the State of Texas desire to move back to farms for homes but are financially unable to make arrangements for said homes, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

REDDITT.

Read and adopted.

Amend the caption of S. B. No. 40 to conform to the body of the bill.

REDDITT.

Read and adopted.

#### Bills Introduced.

By Senator Parr:

S. B. No. 111, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the board of county and district road indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates

and maturities on such indebtedness before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by the commissioners' court before refunding, and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senators Purl and Poage:

S. B. No. 112, A bill to be entitled "An Act repealing Chapter 91, Sections 1, 2, 3, 4, 5, 6, and 7, Acts 1929 Forty-first Legislature First Called Session, creating the office of State Auditor and Efficiency Expert, and providing the qualifications, duties and compensation therefor; repealing all laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on State Affairs.

#### REASON FOR INTRODUCING S. B. No. 112.

Reason for my introducing S. B. No. 112 is included in the emergency clause which reads as follows:

The fact that the appropriations for the State Auditor's Office have been cut so low that the office can no longer function in an efficient manner and that the same is now just an expense to the State Government without being able to accomplish the purpose for which it was created.

#### PURL.

By Senator Greer:

S. B. No. 113, A bill to be entitled "An Act to amend Section 4 of Chapter 13, Acts of the First Called Session of the Thirty-ninth Legislature, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 46. The following are

conferees on the part of the House: Hughes, Moore, McGregor, Devall, Calvert.

The House has concurred in Senate amendments to H. B. No. 12 by a vote of 113 yeas and 18 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 43, Suspending Joint Rule No. 23 of the Joint Rules for the purpose of considering H. B. No. 199.

H. C. R. No. 31, Granting permission to Walter Strickland to sue the State.

H. C. R. No. 46, Suspending Rule No. 23 of the Joint Rules, for the purpose of considering until finally passed, H. B. No. 84.

H. C. R. No. 47, Suspending Rule No. 23 of the Joint Rules, for the purpose of considering until finally passed, H. B. No. 179.

H. C. R. No. 45, Suspending Rule No. 23 of the Joint Rules, for the purpose of considering H. B. No. 176.

Respectfully considered,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### H. C. R. No. 43.

Senator Collie received unanimous consent to take up:

H. C. R. No. 43, Suspending Joint Rule No. 23 on H. B. No. 199.

Read and adopted

#### H. C. R. No. 46.

Senator Regan received unanimous consent to take up:

H. C. R. No. 46, Suspending Joint Rule No. 23 on H. B. No. 84.

Read and adopted.

#### H. C. R. No. 45.

Senator Murphy received unanimous consent to take up:

H. C. R. No. 45, Suspending Joint Rule No. 23 on H. B. No. 176.

Read and adopted.

#### H. C. R. No. 24.

Senator Rawlings received unanimous consent to take up:

H. C. R. No. 24, Permitting J. P. Foty to sue the State.  
Read and adopted.

#### Bill Re-referred.

On motion of Senator Parr, S. B. No. 111 was withdrawn from the Committee on State Highways and Motor Traffic and re-referred to the Committee on State Affairs.

#### House Bills Referred.

H. B. No. 213, referred to Committee on Game and Fish.

H. B. No. 210, referred to Committee on State Affairs.

H. B. No. 168, referred to Committee on State Affairs.

H. B. No. 205, referred to Committee on Judicial Districts.

H. B. No. 194, referred to Committee on Educational Affairs.

H. B. No. 178, referred to Committee on Educational Affairs.

H. B. No. 185, referred to Committee on Educational Affairs.

H. B. No. 203, referred to Committee on Game and Fish.

H. B. No. 141, referred to Committee on Game and Fish.

H. B. No. 123, referred to Committee on Game and Fish.

H. B. No. 204, referred to Committee on Finance.

H. B. No. 164, referred to Committee on Counties and County Boundaries.

H. B. No. 163, referred to Committee on Public Lands and Land Office.

#### Recess.

On motion of Senator Holbrook, the Senate, at 12:07 o'clock p. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### S. C. R. No. 25.

Senator Redditt sent up the following resolution:

Whereas, Under S. B. No. 242, Chapter 173, General Laws of Texas, Forty-third Legislature, Regular Session 1933, through error, the consolidation bonus of four hundred (\$400.00) dollars allowed the Buna Independent School District of Jasper County was omitted, and

Whereas, Under H. B. No. 100, Acts of Forty-second Legislature, Regular Session 1931, one thousand (\$1,000.00) dollars was allowed the Buna Independent School District of Jasper County, and only six hundred (\$600.00) dollars paid, leaving a balance of four hundred (\$400.00) dollars, which should have been included in S. B. No. 242 aforesaid, and

Whereas, After the payment of all sums allowed by S. B. No. 242 there remains a balance in excess of one hundred thousand (\$100,000.00) dollars. Be it therefore

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Buna Independent School District of Jasper County be allowed four hundred (\$400.00) dollars and said amount be allowed and paid as provided in S. B. No. 242.

REDDITT.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration, was suspended. The resolution was adopted.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution and bills:

H. C. R. No. 28, Defining the intention of the Legislature relative to moneys appropriated to certain State schools.

S. B. No. 4, A bill to be entitled "An Act providing for the transfer of the lien for taxes that the State, county or defined subdivision thereof, has upon any real property; providing by whom and under what conditions such transfer may be made; providing for the recording of such transfer, and the effect of such record; providing for paying by lienholder to person paying such taxes the taxes, cost, and interest, and receiving transfer to himself of the tax lien; providing for foreclosure of lien and sale and disposition of proceeds of sale; providing for redemptions from foreclosure sale, providing this Act shall not abridge the right of taxpayer to enter into contract with lienholders for payment

of taxes, nor affect existing contracts; providing that if any provision of this Act is declared invalid or unconstitutional it shall not affect any other provision of this Act; and declaring an emergency."

With amendments.

S. B. No. 51, A bill to be entitled "An Act amending Chapter 76, Acts of the Regular Session of the Forty-third Legislature, and providing for the government of water power control districts and water improvement districts organized or hereafter organized in accordance with the provisions of Chapter 247, Acts of the Fortieth Legislature, and governed by the provisions of Chapter Two (2), Title 128, Revised Statutes and amendments thereto, and which include within their area or boundaries parts of several organized water improvement districts, and/or irrigation districts and/or irrigation plants or water plants not organized as defined districts, providing for changing the name of such district to include the name water power control districts, the extension of the boundaries thereof, the exclusion of land therefrom, the election and appointment of directors, the creation of debts and the levy and collection of taxes and water charges and fixing a lien on properties assessed, and providing for the operation, government and control of such districts and of all such defined districts, irrigation and/or water plants included within such districts, and providing for the organization of water improvement districts as divisions of such water power control districts and the issuance of bonds and other evidence of debt by such included districts to pay debts incurred by such water power control districts, and the levy and collection of taxes and water charges and fixing a lien on properties assessed; providing for the fixing of rights of such included water improvement districts and/or irrigation districts and/or irrigation or water plants within said water power control districts and the fixing of their rights and settlement of such rights and validating all water appropriations thereof, and providing for the construction of water and power plants and the method of creating debts to pay for same and all operating charges and expenses, providing for the construction and operation of

power plants by such districts and the purchase and sale of power and electricity; providing for the securing of funds from the United States and agencies of the Federal Government in accordance with the laws of the United States and providing the methods of securing and paying debts created for such purposes by water power control districts and water improvement districts and other defined districts included within such water power control districts, validating water power control districts and water improvement districts and irrigation districts included in water power control districts, and declaring an emergency."

S. B. No. 38, A bill to be entitled "An Act creating 'Lower Neches Valley Authority,' a conservation and reclamation district under and with the powers provided in Section 59, of Article 16, of the Constitution, to conserve, control and utilize storm and flood waters of the Neches River and its tributaries, except said district shall have no power of taxation nor right to create any debt payable out of taxation; defining the boundaries thereof, providing for control through board of directors, their appointment, qualifications and tenure, their organization and powers; authorizing the storing, controlling, conservation and distribution of storm and flood waters of Neches River and its tributaries within and/or without such district, for irrigation, domestic, industrial and municipal uses, and also for hydroelectric power, with authority to make contracts with water users and to establish and collect maintenance and operation charges for water service, also authorizing all contracts, leases and agreements necessary or convenient with any person, corporation or government, including the United States Government and the State of Texas, or their agencies, and authorizing conveyance of the district's properties, improvements and facilities to the United States, or any agency thereof, and a lease thereof with the United States or any agency thereof, with the rentals payable out of the revenues of such district; subordinating such district to the control of the State Board of Water Engineers, or other State agency; providing for acquiring, constructing, maintaining and operating of

all necessary properties, lands, rights, tenements, easements, improvements, reservoirs, dams, canals, laterals, plants, works and facilities necessary or proper within or without said district, including the right of eminent domain, and authorizing such district to borrow money from the Federal Emergency Administration of Public Works, or other United States agency, and from other persons and secure payment thereof by first and/or second mortgage and encumbrance on all of the district's properties, improvements and facilities and the revenue and income to be derived therefrom; providing for the issuance of interest bearing obligations therefor; prescribing therein terms, conditions of issuance, and prohibiting their payment out of any taxation or involuntary assessment; preserving the water rights of existing water users; providing if any provision of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

S. B. No. 82. A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-first Legislature, 1931, repealing laws in conflict therewith, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 40.

The question recurred upon S. B. No. 40.

The bill was passed to engrossment by the following vote:

#### Yeas—14.

Beck.	Patton.
Collie.	Redditt.
Cousins.	Regan.
Greer.	Russek.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

#### Nays—12.

Blackert.	DeBerry.
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Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Sanderford.
Murphy.	Small.
Oneal.	Stone.

#### Present—Not Voting.

Fellbaum.	Rawlings.
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#### Absent.

Hopkins.	Martin.
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#### Absent—Excused.

Duggan.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 40 was put on its third reading and final passage by the following vote:

#### Yeas—25.

Beck.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

#### Nays—5.

Blackert.	Murphy.
DeBerry.	Oneal.
Holbrook.	

#### Absent—Excused.

Duggan.

Read third time and finally passed by the following vote:

#### Yeas—16.

Beck.	Parr.
Collie.	Patton.
Cousins.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Martin.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

#### Nays—13.

Blackert.	Fellbaum.
DeBerry.	Holbrook.

Hornsby.	Purl.
Moore.	Sanderford.
Murphy.	Small.
Oneal.	Stone.
Poage.	

Present—Not Voting.

Rawlings.

Absent—Excused.

Duggan.

#### Resolution Referred.

H. C. R. No. 28, referred to Committee on State Affairs.

#### Motion to Concur.

Senator Oneal moved to concur in the House amendment to S. B. No. 4. The motion prevailed.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 30, A bill to be entitled "An Act amending Article 7256 of the 1925 Revised Civil Statutes of Texas, so as to provide that in all counties containing a city, other than the county seat, in excess of 7,000 inhabitants according to the 1930 Decennial census, the tax collector, with the consent and approval of the commissioners' court of said county may appoint a deputy tax collector in such town or city, who shall have the right to issue valid receipts for all taxes collected by him and to collect a fee of twenty-five cents from each person who pays his taxes to said deputy and to whom said deputy issues a receipt; providing that no person shall be charged over twenty-five cents for paying his taxes to said deputy; providing that such deputy shall enter into such bond payable to the county judge of the county, in such amount as the tax collector and commissioners' court may require; and further providing that said tax collector shall likewise remain liable on his bonds for all such taxes collected; and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act amending Section 1 of Chapter 12, Acts of the Forty-second

Legislature, defining the offense of kidnapping for extortion, ransom or robbery so as to provide for capital punishment regardless of whether the person kidnapped, detained or enticed away is returned by the defendant without serious bodily injury; and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act to authorize all banks and bank and trust companies and savings banks, incorporated under the laws of Texas, to purchase, hold and dispose of stock in the Federal Deposit Insurance Corporation, created by the Act of Congress known as the Banking Act of 1933, and to comply with all requirements enabling banks and bank and trust companies and savings banks, incorporated under the laws of Texas, to purchase, hold, and dispose of said stock in the Federal Deposit Insurance Corporation; and declaring an emergency."

With amendments.

S. B. No. 98, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to purchase, acquire and construct permanent improvements, including dormitories, stadiums, and athletic fields, and for the improvement of such structures heretofore erected, providing for the equipping and furnishing of the same, providing for the insurance and registration of revenue bonds and revenue notes, and for disposition and pledging of the revenues derived from the operation and control of such dormitories, athletic fields, stadiums, and other improvements, authorizing the purchase and sale of certain lands, imposing the power to contract and vesting general authority in the Board of Directors for the purposes of carrying out the provisions hereof, and declaring an emergency."

With amendments.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 88.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Moore:

S. B. No. 88, A bill to be entitled "An Act amending Section 13, Chapter 88, Acts of 1929, General Laws,

Forty-first Legislature of Texas, Second Called Session, page 172, providing that the Highway Department shall issue or cause to be issued license number plates for each motorcycle, road-tractor, trailer, semi-trailer and for any other vehicle registered under said Act, and describing how and where and when the license number plates shall be attached to said described vehicle, and providing that said license number plates shall be fastened by locking devices furnished by the State and that no other fastening or locking device shall be used; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 88 was put on its third reading and final passage by the following vote:

**Yeas—23.**

Beck.	Patton.
Cousins.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

**Nays—4.**

Collie.	Holbrook.
DeBerry.	Small.

**Present—Not Voting.**

Martin.

**Absent.**

Blackert. Woodruff.

**Absent—Excused.**

Duggan.

Read third time.

Senator Moore moved to lay the bill on the table subject to call.

Senator Holbrook moved as a substitute that the bill be indefinitely postponed. The motion prevailed.

**Bills Signed.**

The Chair, President Pro Tem. George C. Purl, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolutions:

H. C. R. No. 41.

H. C. R. No. 42.

H. B. No. 63.

**H. C. R. No. 47.**

The Chair laid before the Senate:

H. C. R. No. 47, Suspending Joint Rule No. 23 on H. B. No. 179.

Read and adopted.

**Motion to Concur.**

On motion of Senator Rawlings, the Senate concurred in the House amendment to S. B. No. 44 by the following vote:

**Yeas—30.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Absent—Excused.**

Duggan.

**Message from the House.**

Hall of the House of Representatives, Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 45, A bill to be entitled "An Act providing an open season or period of time for taking wild ducks, geese and/or brant; providing a bag limit and possession limit; providing a penalty for violation; repealing all laws insofar as they may conflict with any provision of

this Act, and declaring an emergency."

S. B. No. 53, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-34 and 1934-35, to be paid out of interest earned on the daily balances of 'Paying Fund of the Board of County and District Road Indebtedness,' and declaring an emergency."

S. B. No. 79, A bill to be entitled "An Act to amend Title 52, Eminent Domain, of the Revised Civil Statutes of Texas by adding Article 3264b to follow 3264a, defining the powers of the Board of Regents of The University of Texas when acting as trustees of a trust for scientific, educational, philanthropic, charitable or other public purposes, and to confer upon them the power of eminent domain, and declaring an emergency."

S. B. No. 78, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113 and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts of the Forty-third Legislature, Regular Session; providing for the character of repairs and extensions necessary to render efficient service which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended; providing for proper records to be kept of income and expenses; providing a penalty for failure to maintain such records; providing that bonds issued under the provisions of this Act may be approved by the Attorney General and registered by the Comptroller; declaring projects carried out under the terms of this Act to be self-liquidating; repealing laws in conflict herewith; providing that this law shall take precedence over conflicting charter provisions; validating all actions by cities and towns and their officials in authorizing and

delivering securities to accomplish the object of this Act, and declaring an emergency."

With amendments.

H. B. No. 189, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than nine thousand, six hundred and eighty-four (9,684) nor more than nine thousand, seven hundred and eighty-four (9,784) inhabitants, according to the last preceding United States census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of nine million dollars (9,000,000.00) for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

S. B. No. 5, A bill to be entitled "An Act prohibiting inquiry concerning the religion or religious affiliations of persons seeking employment or official position in the public schools; providing a penalty, and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to pay out funds credited to the State Highway Fund premiums on surety bonds required by the Federal Government of the State Treasurer to secure funds advanced to the State of Texas under the National Industrial Recovery Act for expenditure by the State Highway Department in the construction and improvement of State highways, and declaring an emergency."

S. B. No. 58, A bill to be entitled "An Act to provide for the sale by the State to the City of Port Arthur, Texas, a municipal corporation, and its assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged lands constituting a part of the bed of Sabine Lake, retaining to the State all minerals therein, and declaring an emergency."

H. C. R. No. 33, Granting to J. W. Mayes permission to bring suit against the State of Texas and the State Livestock Sanitary Commission.

H. C. R. No. 34, granting B. P. Pavas permission to sue the State.

H. C. R. No. 38, Granting permission to Caledonia Steel Company to sue the State.



H. C. R. No. 40, Directing the Commissioner of Labor Statistics to refrain from enforcing the provisions of H. B. No. 832, passed by the Regular Session of the Forty-third Legislature, etc.

H. C. R. No. 48, Suspending Rule No. 23 of the Joint Rules of the House and Senate in order that H. B. No. 173 may be considered.

H. B. No. 173, A bill to be entitled "An Act providing for the pledging of delinquent district school taxes of school districts to be used to pay the interest and sinking fund on a loan or loans from the Reconstruction Finance Corporation, or other sources, for certain purposes; authorizing the making of contracts with lenders upon certain terms; providing for a sinking fund for the loans so made; requiring a certain amount to be placed in the sinking fund and a greater amount where necessary; authorizing boards of trustees to execute quitclaim deeds to school sites to certain persons; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Concur.

Senator Sanderford moved to concur in the House amendment to S. B. No. 98. The motion prevailed by the following vote:

#### Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

#### Nays—1.

DeBerry.

#### Absent—Excused.

Duggan.

#### House Bill Referred.

H. B. No. 186 referred to Committee on State Highways and Motor Traffic.

#### Senate Bill No. 89.

The Chair laid before the Senate, as pending business, the following bill:

By Senators Neal, Russek, Patton, and Parr:

S. B. No. 89, A bill to be entitled "An Act to provide for holding a Texas Centennial celebration or celebrations in 1936; to provide for meeting requirements for such celebration or celebrations on the part of places desiring same; to create a Texas Centennial Commission with plenary powers to make all contracts in connection with such celebration or celebrations; to provide for the organization of such Commission, the time of service of same, and the filling of vacancies; to provide for the incorporation of such Texas Centennial Commission; to provide for compensation for members of same; to provide for the final auditing of all accounts, and the disposition of lands, buildings and profits, the final report to the Legislature and the discharge of the Commission by the Legislature; to make an appropriation for carrying out the provisions of this Act, and declaring an emergency."

The question recured upon the amendment (by Senator Moore) to the amendment (by Senator Woodul).

Senator Neal moved to table the amendment to the amendment.

Senator Stone called for a division of the amendment to the amendment.

The motion to table the first part of the amendment prevailed by the following vote:

#### Yeas—13.

Blackert.	Parr.
Fellbaum.	Patton.
Hornsby.	Redditt.
Martin.	Russek.
Murphy.	Stone.
Neal.	Woodul.
Pace.	

#### Nays—11.

Beck.	Oneal.
Collie.	Poage.
Greer.	Purl.
Holbrook.	Regan.
Hopkins.	Woodruff.
Moore.	

#### Absent.

Small.	Woodward
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## Absent—Excused.

Rawlings.

## (Pairs Recorded.)

Senator Duggan (present) who would vote yea, with Senator DeBerry (absent) who would vote nay.

Senator Sanderford (present) who would vote yea, with Senator Cousins (absent) who would vote nay.

The motion to table the second part of the amendment to the amendment prevailed.

Senator Poage sent up the following amendment to the amendment by Senator Woodul:

Amend Woodul amendment by striking out the words "out of the Highway Fund of the State of Texas."

POAGE,

ONEAL.

The amendment to the amendment was read.

Senator Neal received unanimous consent to include in the amendment to the amendment the words "and insert in lieu thereof the words 'out of the General Revenue Fund of the State of Texas.'"

The amendment to the amendment as amended was adopted.

The amendment as amended was adopted.

Senator Poage sent up the following amendment:

Amend S. B. No. 89 by striking out of Section 8, page 2, in line 8, the words "as said", and in line 10 the words "and in", and all of lines 11, 12, 13, 14, 15, and 16, and by inserting in line 9 between the words "than" and "traveling" the words "actual and necessary."

POAGE,

ONEAL.

The amendment was read.

Senator Sanderford moved the previous question on pending amendments and the further consideration of the bill.

Senators Moore and Oneal received unanimous consent to send up amendments to be considered if the previous question was ordered.

The motion for the previous question prevailed by the following vote:

## Yeas—13.

Beck.	Martin.
Blackert.	Murphy.
DeBerry.	Neal.

Pace.  
Parr.  
Patton.  
Regan.

Sanderford.  
Stone.  
Woodul.

## Nays—9.

Collie.	Oneal.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Woodruff.
Moore.	

## Absent—Excused.

Cousins.	Redditt.
Duggan.	Russek.
Fellbaum.	Small.
Hopkins.	Woodward.
Rawlings.	

## Recess.

Senator Parr moved to recess until 8 o'clock p. m. today.

Senator Woodruff moved to adjourn until 5:35 o'clock p. m., today.

Senator Blackert moved to recess until 9 o'clock tomorrow morning.

The motion by Senator Blackert was lost.

The motion by Senator Parr was lost.

The motion by Senator Woodruff was lost.

Senator Moore moved to adjourn until 5:40 o'clock p. m. today. The motion was lost.

Senator Parr moved to recess until 8:10 o'clock p. m. today. The motion was lost.

Senator Beck moved to recess until 7:55 o'clock p. m. today. The motion prevailed by the following vote:

## Yeas—14.

Beck.	Parr.
Blackert.	Rawlings.
Collie.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Pace.	Woodul.

## Nays—10.

Cousins.	Murphy.
DeBerry.	Neal.
Fellbaum.	Poage.
Greer.	Purl.
Hopkins.	Woodruff.

## Present—Not Voting.

Oneal.

## Absent.

Holbrook.	Russek.
Patton.	Woodward.
Redditt.	

**Absent—Excused.**

Duggan.

At 5:48 o'clock p. m., the Senate recessed.

**After Recess.**

The Senate met at 7:55 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. George C. Purl.

**Senate Bill No. 89.**

The question recurred upon the pending amendment (by Senator Poage) to S. B. No. 89.

Senator Parr asked unanimous consent to take up out of its regular order S. B. No. 111 without taking Senator Oneal (speaking) off the floor at the conclusion of the consideration of S. B. No. 111.

Objection was heard.

Senator Parr moved to take up the bill.

The Chair, President Pro Tem. George C. Purl, held that such a motion would take Senator Oneal off the floor.

Senator Oneal refused to yield for the motion.

Senator Stone raised the point of order that, under Senate Rule No. 15, Senator Oneal's time had expired inasmuch as he was speaking on an amendment and not on the engrossment of the bill when the previous question was ordered.

The Chair, President Pro Tem. George C. Purl, overruled the point of order, holding that the previous question was ordered on the amendment and the engrossment of the bill and that the discussion of the amendments was incidental to the discussion of the engrossment of the bill.

Senator Hornsby raised the point of order that Senator Oneal was resorting to dilatory tactics.

The Chair, President Pro Tem. George C. Purl, warned Senator Oneal to confine his discussion to the merits of the bill.

Senator Beck raised the point of order that a quorum was lacking. The roll call showed the following present:

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Oneal.
Fellbaum.	Pace.
Holbrook.	Parr.
Hopkins.	Poage.
Hornsby.	Purl.
Martin.	Regan.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.

**Absent.**

Greer.	Russek.
Patton.	Small.
Rawlings.	Woodul.
Redditt.	Woodward.

**Absent—Excused.**

Duggan.

Senator Beck moved a call of the Senate for the purpose of securing and maintaining a quorum until S. B. No. 89 was passed to engrossment.

Senator Woodruff moved to adjourn until 9:25 o'clock tonight. The motion was lost by the following vote:

**Yeas—8.**

Collie.	Holbrook.
Cousins.	Poage.
DeBerry.	Regan.
Fellbaum.	Woodruff.

**Nays—18.**

Beck.	Patton.
Blackert.	Purl.
Greer.	Rawlings.
Hornsby.	Redditt.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Pace.	Stone.
Parr.	Woodul.

**Present—Not Voting.**

Oneal.

**Absent—Excused.**

Duggan.	Martin.
Hopkins.	Woodward.

Senator Poage raised the point of order that the motion for a call of the Senate was out of order because a quorum was present.

The Chair, President Pro Tem. George C. Purl, held that at the time the motion was made, no quorum was present, the quorum having been completed later.

Senator Pace received unanimous consent for Senator Oneal to explain the bill.

Senator Hornsby raised the point of order for the second time that Senator Oneal was resorting to dilatory tactics.

The Chair, President Pro Tem. George C. Purl, overruled the point of order but warned Senator Oneal to confine his remarks to the pending amendment.

The pending amendment (by Senators Poage and Oneal) was lost by the following vote:

## Yeas—11.

Collie.	Oneal.
Cousins.	Poage.
DeBerry.	Purl.
Holbrook.	Stone.
Moore.	Woodruff.
Murphy.	

## Nays—12.

Beck.	Pace.
Blackert.	Parr.
Fellbaum.	Patton.
Greer.	Regan.
Hornsby.	Sanderford.
Neal.	Woodul.

## Absent.

Hopkins.

## Absent—Excused.

Duggan.	Russek.
Martin.	Small.
Rawlings.	Woodward.
Redditt.	

The Chair laid before the Senate the following amendment:

Amend S. B. No. 89, by adding a new paragraph to Section 10, which shall read as follows:

"It is hereby specifically provided that the secretary, treasurer, and/or other member or members of the commission, who shall authorize the expenditure of the funds herein provided, shall file with the Governor of Texas, a surety bond in a sum of not less than ten thousand (\$10,000.00) Dollars, with a surety company authorized to do business in Texas; the premium on said bond to be paid out of the funds hereby appropriated."

MOORE.

Read and adopted by the following vote:

## Yeas—16.

Beck.	Murphy.
Collie.	Oneal.
Cousins.	Pace.
DeBerry.	Poage.
Greer.	Purl.
Holbrook.	Regan.
Hornsby.	Stone.
Moore.	Woodruff.

## Nays—9.

Blackert.	Russek.
Fellbaum.	Sanderford.
Neal.	Small.
Parr.	Woodul.
Patton.	

## Absent.

Hopkins.

## Absent—Excused.

Duggan.	Redditt.
Martin.	Woodward.
Rawlings.	

The Chair laid before the Senate the following amendments:

Amend S. B. No. 89 by striking out the last sentence in Section 5, and inserting in lieu thereof the following:

"Vacancies in the commission created by death or resignation of any of its members shall be filled by appointment by the Governor."

ONEAL.

Read and adopted.

Amend the Woodul actual and necessary amendment by striking out \$200,000.00 and inserting in lieu thereof \$25,000.00.

ONEAL.

Read and lost by the following vote:

## Yeas—9.

Collie.	Moore.
Cousins.	Oneal.
DeBerry.	Poage.
Holbrook.	Woodruff.
Hornsby.	

## Nays—13.

Beck.	Patton.
Fellbaum.	Purl.
Greer.	Regan.
Murphy.	Sanderford.
Neal.	Stone.
Pace.	Woodul.
Parr.	

## Absent—Excused.

Duggan.	Redditt.
Hopkins.	Small.
Martin.	Woodward.
Rawlings.	

(Pair Recorded.)

Senator Blackert (present) who would vote nay, with Senator Russek (absent) who would vote yea.

The Chair laid before the Senate the following amendment:

Amend S. B. No. 89 by striking out all of section 7 and inserting in lieu thereof the following:

"Said corporation is hereby instructed to formulate plans for such a celebration or celebrations as in its opinion may be advisable, and report such plans to the Regular Session of the Forty-fourth Legislature during the first week of such session."

ONEAL.

Read and lost by the following vote:

## Yeas—10.

Collie.	Murphy.
Cousins.	Oneal.
DeBerry.	Poage.
Holbrook.	Purl.
Moore.	Woodruff.

## Nays—14.

Beck.	Parr.
Blackert.	Patton.
Fellbaum.	Regan.
Greer.	Russek.
Hornsby.	Sanderford.
Neal.	Stone.
Pace.	Woodul.

## Absent—Excused.

Duggan.	Redditt.
Hopkins.	Small.
Martin.	Woodward.
Rawlings.	

The bill was passed to engrossment by the following vote:

## Yeas—13.

Beck.	Patton.
Fellbaum.	Regan.
Greer.	Sanderford.
Hornsby.	Small.
Neal.	Stone.
Pace.	Woodul.
Parr.	

## Nays—8.

Collie.	Moore.
Cousins.	Oneal.
DeBerry.	Purl.
Holbrook.	Woodruff.

## Absent—Excused.

Hopkins.	Rawlings.
Martin.	Redditt.

(Pairs Recorded.)

Senator Blackert (present) who would vote nay, with Senator Russek (absent) who would vote yea.

Senator Murphy (present) who would vote nay, with Senator Woodward (absent) who would vote yea.

Senator Poage (present) who would vote nay, with Senator Duggan (absent) who would vote yea.

The motion of Senator Neal to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

## Yeas—19.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Purl.
Fellbaum.	Regan.
Greer.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodul.
Neal.	

## Nays—6.

DeBerry.	Oneal.
Holbrook.	Poage.
Moore.	Woodruff.

## Absent—Excused.

Duggan.	Redditt.
Hopkins.	Russek.
Rawlings.	Woodward.

(Four-fifths vote required.)

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills.

H. B. No. 212, A bill to be entitled "An Act amending Chapter 33, of the General Laws of the Regular

Session of the Thirty-ninth Legislature, so that there is added to said Chapter, provisions that in cities having a population of more than two hundred and ninety thousand (290,000) inhabitants according to the last preceding Federal Census, that the governing body of said cities shall have the power to make loans to be secured by, and paid out of the income of the water works system of said cities and/or extensions, replacements, betterments, additions, and/or improvements thereof necessary to render adequate service; and to pledge and use the income of such system for the payment of said debts, and providing further that in said cities, elections provided in Section 6, of said chapter, shall not be necessary for the issuance of bonds and notes to secure said loans made payable solely by the income of said system, and providing for the required submission of said bonds and notes to the Attorney General for his examination, etc., and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act to amend Article 6008, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-third Legislature, Chapter 100, so as to permit the use of natural gas for repressuring, and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act granting authority to the State Highway Department to acquire by purchase, and/or to construct, maintain, operate, and control ferries over and across any bay, arm, channel, or salt water lake emptying into the Gulf of Mexico, or any inlet of the Gulf of Mexico, any river, or other navigable waters of this State, where such ferries connect designated State highways, and which may be made self-liquidating or partially self-liquidating; providing for interstate ferries to be acquired by purchase, and to be maintained, operated, and controlled by the State of Texas, by the charging of tolls for the use thereof, and the right to charge reasonable tolls is hereby specifically granted to the State Highway Department under this Act, and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act to amend Article 8244, of the Revised Civil Statutes of 1925, governing the selection of deposi-

tories by all navigation districts whether created pursuant to Section 52, Article III, of the Constitution, or Section 59, Article XVI, of the Constitution; defining the powers of navigation and canal commissioners in the selection of such depositories; defining the powers and obligations of such depositories, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. B. No. 212, referred to Committee on Towns and City Corporations.

H. B. No. 199, referred to Committee on State Affairs.

H. B. No. 129, referred to Committee on State Affairs.

H. B. No. 196, referred to Committee on State Highways and Motor Traffic.

#### S. C. R. No. 26.

Senator Purl sent up the following resolution:

Whereas, The Regular Session of the Forty-third Legislature made appropriation for the payment of fees of county judges, county attorneys, justices of the peace, sheriffs and constables, in examining trials actually held for the biennium ending August 31, 1935; and

Whereas, It also made appropriation to pay fees and costs of sheriffs, attorneys, and clerks in felony cases for the biennium ending August 31, 1935; and

Whereas, S. B. No. 85, Acts of the Regular Session Forty-third Legislature, allows sheriffs mileage in traveling on J P Warrants where indictment is subsequently returned, and provides the mileage fee shall be charged against the examining trial appropriations, which Senate Bill was passed after the appropriations above mentioned were made; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That when the appropriation for the biennium ending August 31, 1935, made for the payment of fees of county judges, county attorneys, justices of the peace, sheriffs and constables in examining trials actually held, and where indictments were returned is exhausted, that the

Comptroller be authorized to draw warrants in payment of such claims against the appropriation made for the payment of fees and costs of sheriffs, attorneys, and clerks in felony cases for the biennium ending August 31, 1935.

PURL.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted by the following vote:

**Yeas—24.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

**Absent—Excused.**

Duggan.	Redditt.
Hopkins.	Small.
Martin.	Woodward.
Rawlings.	

**Senate Bill No. 108.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Greer:

S. B. No. 108, A bill to be entitled "An Act to amend Section 1, Chapter 17, General and Special Laws of the Forty-first Legislature, First Called Session, and Section 1, Chapter 140, Regular Session, Forty-second Legislature, repealing said Sections 1 and 1-a, and re-enacting same with certain changes, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 108 was put on its third reading and final passage by the following vote:

**Yeas—24.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

**Absent—Excused.**

Duggan.	Redditt.
Hopkins.	Small.
Martin.	Woodward.
Rawlings.	

Read third time and finally passed.

Senators Poage, DeBerry and Holbrook asked to be recorded as voting "No."

**Senate Bill No 111.**

The Chair laid before the Senate the following bill:

By Senator Parr:

S. B. No. 111, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the board of county and district road indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by the commissioners' court before refunding, and declaring an emergency."

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 111 was put on its second reading by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

## Absent—Excused.

Duggan.	Redditt.
Martin.	Small.
Rawlings.	Woodward.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 111 was put on its third reading and final passage by the following vote:

## Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Duggan.	Redditt.
Martin.	Small.
Rawlings.	

Read third time and finally passed by the following vote:

## Yeas—27.

Blackert.	Fellbaum.
Cousins.	Greer.
DeBerry.	Holbrook.

Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

## Present—Not Voting.

Collie.

## Absent.

Beck.

## Absent—Excused.

Duggan.	Rawlings.
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## Senate Bill No. 76.

The Chair laid before the Senate on its second reading the following bill:

By Senators Woodruff and Neal:

S. B. No. 76, A bill to be entitled "An Act providing for the levy and collection of special taxes in certain common and independent school districts in this State because of insolvency; and providing that the State Board of Education by, and with the advice of the Attorney General, shall determine when such district or districts are insolvent, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Woodruff sent up the following amendment:

Amend S. B. No. 76 by adding at the end of Section 2 the following:

"Provided, however, that where it shall be made apparent to the State Board of Education that such condition of insolvency exists, said board shall thereupon extend special State aid to such district."

WOODRUFF.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 76 was put on its third reading and final passage by the following vote:



## Yeas—25.

Collie.	Patton.
DeBerry.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

## Absent.

Beck.	Hopkins.
Blackert.	Russek.
Cousins.	

## Absent—Excused.

Duggan.

Read third time and finally passed by the following vote:

## Yeas—16.

Fellbaum.	Parr.
Greer.	Purl.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

## Nays—6.

Collie.	Poage.
DeBerry.	Rawlings.
Oneal.	Small.

## Absent.

Beck.	Murphy.
Blackert.	Patton.
Cousins.	Redditt.
Hopkins.	Russek.

## Absent—Excused.

Duggan.

## Senate Bill No. 96.

The Chair laid before the Senate on its second reading, the following bill:

By Senator Moore:

S. B. No. 96, A bill to be entitled "An Act authorizing the Chairman of the Board of Insurance Commissioners to employ not to exceed five (5) additional examiners, three (3) of whom shall be senior examiners

and two (2) of whom shall be assistant examiners, and requiring such examiners to give bond; fixing the compensation and traveling expenses of such examiners and providing for the manner of payment, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Moore sent up the following amendment:

Strike out the words "chairman of the."

MOORE.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 96 was put on its third reading and final passage by the following vote:

## Yeas—26.

Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

## Nays—1.

Poage.

## Present—Not Voting.

Beck.	Blackert.
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## Absent.

Redditt.

## Absent—Excused.

Duggan.

Read third time and finally passed by the following vote:

## Yeas—16.

Greer.	Moore.
Holbrook.	Neal.
Hornsby.	Oneal.
Martin.	Pace.

Parr.	Sanderford.
Purl.	Small.
Regan.	Woodruff.
Russek.	Woodward.

## Nays—7.

Collie.	Rawlings.
DeBerry.	Stone.
Fellbaum.	Woodul.
Poage.	

## Absent.

Beck.	Murphy.
Blackert.	Patton.
Cousins.	Redditt.
Hopkins.	

## Absent—Excused.

Duggan.

## Pages Excused.

At 11:05 o'clock p. m., by unanimous consent, the pages were excused.

## Senate Bill No. 99.

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal, Redditt, Pace, and Holbrook:

S. B. No. 99, A bill to be entitled "An Act authorizing the State Board of Education in certain instances to issue and sell deficiency certificates bearing interest at a rate of not more than 4% per annum from issuance until same are called for payment against the State Available School Fund; regulating and limiting the issuance and sale of such certificates; providing that certificates issued under the provisions of this Act shall be drawn upon the State Treasurer by the State Comptroller and shall be countersigned by the State Treasurer and the President of the State Board of Education; prescribing the conditions upon which certificates issued under authority of this Act shall be delivered to the purchaser or purchasers thereof; postponing payment of such certificates to the payment of the State per capita apportionment for the scholastic year in which such certificates are issued; providing for redemption of such certificates and for the issuance of warrants in payment of such certificates and accrued interest thereon after the payment of the State per capita apportionment for the current scholastic

year; providing for the cancellation and destruction of such certificates; making an appropriation out of the State Available School Fund to pay interest in deficiency certificates issued during the present scholastic year, authorizing the State Board of Education to set aside not more than 4% of the estimated revenues of each ensuing scholastic year to pay interest on certificates which may be issued under the authority of this Act during said ensuing year; authorizing the Comptroller to set up and prescribe all forms and records deemed by him to be necessary in the administration of this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by the following vote:

## Yeas—14.

Collie.	Patton.
Greer.	Regan.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Stone.
Pace.	Woodruff.
Parr.	Woodward.

## Nays—8.

DeBerry.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Oneal.	Woodul.

## Absent.

Beck.	Martin.
Blackert.	Murphy.
Cousins.	Redditt.
Hopkins.	Russek.

## Absent—Excused.

Duggan.

The motion of Senator Small to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

## Yeas—16.

Collie.	Patton.
Fellbaum.	Regan.
Greer.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

## Nays—6.

DeBerry.	Poage.
Holbrook.	Purl.
Oneal.	Rawlings.

## Absent.

Beck.	Martin.
Blackert.	Murphy.
Cousins.	Redditt.
Hopkins.	Russek.

## Absent—Excused.

Duggan.

(Four-fifths vote required.)

## Senate Bill No. 77.

The Chair laid before the Senate on its second reading the following bill:

By Senators Poage, Woodul, and Woodruff, by request:

S. B. No. 77, A bill to be entitled "An Act, the purpose of which is to provide for the general welfare in an emergency hereby declared to exist by effectuating the purposes of the National Recovery Act within this State with reference to the milk industry, by eliminating unfair competitive practices therein, and by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining fluid milk, sweet cream, butter fat and milk distributors, etc., and declaring an emergency."

Read second time.

Senator Collie raised the point of order that a quorum was lacking. The roll call showed the following present:

Collie.	Patton.
DeBerry.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Regan.
Moore.	Sanderford.
Neal.	Small.
Oneal.	Woodruff.
Parr.	Woodward.

## Absent.

Beck.	Murphy.
Blackert.	Pace.
Cousins.	Redditt.
Fellbaum.	Russek.
Hopkins.	Stone.
Martin.	Woodul.

## Absent—Excused.

Duggan.

## Recess.

Senator DeBerry moved to adjourn until 9 o'clock tomorrow morning.

Senator Hornsby moved to recess until 9:30 o'clock tomorrow morning. Senator Rawlings moved to adjourn until 10 o'clock tomorrow morning. The motion was lost by the following vote:

## Yeas—8.

Collie.	Rawlings.
DeBerry.	Regan.
Oneal.	Woodruff.
Parr.	Woodward.

## Nays—11.

Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Stone.
Patton.	

## Absent.

Beck.	Murphy.
Blackert.	Pace.
Cousins.	Redditt.
Fellbaum.	Russek.
Hopkins.	Woodul.
Martin.	

## Absent—Excused.

Duggan.

The motion to recess until 9:30 o'clock tomorrow morning prevailed and, at 11:35 o'clock p. m., the Senate recessed.

## APPENDIX.

## (Telegram.)

Huntsville, Texas, Oct. 11, 1933.  
Senator Nat Patton,  
Austin, Texas.

Hon. W. D. Adair died 5:30 today. Was member Twenty-seventh and Twenty-eighth Legislatures. Funeral 3 o'clock Thursday. Please notify Senate.

MRS. CHARLES G. BARRETT.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.  
Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 87 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 97 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 73 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 60 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 40 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

### Committee Reports.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 105, A bill to be entitled "An Act appropriating \$25,000.00 to be used to pay additional expense of publishing proposed constitutional amendments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 121, Appropriating the sum of \$1200.00 for each of the two fiscal years ending August 31, 1934, and August 31, 1935, to pay traveling expenses of Justices of the Courts of Civil Appeals in hearing oral arguments in transferred cases, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 161, A bill to be entitled "An Act making an appropriation out of the General Revenue of the State of Texas for the balance of the fiscal year ending August 31, 1934, to be used by the State Parks Board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

HOLBROOK, Chairman.

### Committee Amendment.

Amend H. B. No. 161 by striking out the words and figures "Twenty-

five Thousand Dollars (\$25,000.00)" in Section 1 of the bill and inserting in lieu thereof the words and figures "Twelve Thousand Five Hundred (\$12,500.00) Dollars."

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 123, A bill to be entitled "An Act creating a closed season upon wild turkey for a period of five years in the Counties of Liberty and Hardin in the State of Texas; providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 23, Making an appropriation for continuation of the campaign for the control and prevention of malaria; and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment, and be not printed.

HOLBROOK, Chairman.

Committee Amendment.

Amend H. B. No. 23 by striking out Section 2 and inserting in lieu thereof the following:

"There is hereby appropriated out of any moneys in the General Revenue Fund not otherwise appropriated the sum of Five Thousand One Hundred Dollars for a period of twenty-three months from October 1, 1933, in amounts to be expended as follows:

Two malariologists @	
\$2400.00 each per	
year	\$4,400.00
Traveling expenses for	
malariologists	900.00
Laboratory supplies,	
postage, literature and	
apparatus	800.00
Total	\$5,100.00"

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 195, Making an appropriation to pay for fuel, lights and water for the Courts of Civil Appeals in the First and Sixth Supreme Judicial Districts, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 111, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. No. 300 passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 15, Granting J. F. Hollis permission to bring suit against the State of Texas and/or the State Highway Department.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 55, A bill to be entitled "An Act amending Sections 2, 3, 5 and 9, of Chapter 162, H. B. No. 154, Acts of the Forty-third Legislature, Regular Session, providing for monthly payment of tax levied and prescribing the date upon which tax shall be paid, by whom it shall be paid; providing that if said tax is withheld by the purchaser and said purchaser fails to make payment of said tax to the State that the producer may have legal action against the purchaser by reason of such failure, and providing for attorney's fees, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 40, A bill to be entitled "An Act releasing penalties and interest on ad valorem and poll taxes that were delinquent on or before July 1, 1933, due the State and certain subdivisions of the State, provided same are voluntarily paid on or before December 31, 1933, together with two per cent (2%) penalty; on or before March 31, 1934, together with four per cent (4%) penalty; or on or before June 30, 1934, together with six per cent (6%) penalty, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 43, A bill to be entitled "An Act fixing the maximum compensation which may be paid the chief deputy to the sheriff, county clerk, district clerk, tax assessor and tax collector in counties with a population of over 250,000 inhabitants ac-

cording to the last United States census and any subsequent Federal census; providing that this Act shall become effective on and after January 1, 1934; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 25, A bill to be entitled "An Act granting to the governing bodies of all cities, towns and villages operating under Title 28, of the Revised Civil Statutes of Texas, of 1925, and amendments thereto, subject to the provisions of Chapter 163 of the Acts of the Forty-second Legislature; providing for the holding of elections to authorize indebtedness for the following purposes: (1) to establish or erect, or cause to be established or erected, warehouses and elevators for the storage of agricultural products, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

HOPKINS, Chairman.

Committee Amendment.

Amend H. B. No. 25, by changing the period after Subdivision 5 of Section 1 to a comma, and adding the following language:

"provided, that none of the facilities mentioned in Section 1 of this Act shall be erected or established for the purpose of supplying services which are being furnished by means of existing facilities."

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 22, Granting to W. A. Morgan permission to bring suit against the State of Texas and the State Highway Commission.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 174, A bill to be entitled "An Act amending Subdivision 23 of Article 7047, Chapter 1, Title 122 of the Revised Civil Statutes, State of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, Regular Session, page 355, Chapter 212, Section 1, relating to an occupation tax on coin operated vending machines, marble table machines, and similar devices within the scope of the subdivision; providing such funds to be placed to the credit of the State Available School Fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu thereof.

HOPKINS, Chairman.

Committee Amendment No. 1.

Amend the bill by striking out all after the enacting clause and inserting the following in lieu thereof:

Section 1. That there is hereby levied an annual occupation tax upon, and which shall be collected from and paid by, every owner, manager, or exhibitor of every coin operated phonograph, electrical piano, electrical batter, graphophone, weighing machine, target pistol, miniature golf machine, miniature football machine, miniature baseball machine, miniature race track, stereoscopic machine, gum machine, candy machine, cigarette machine, handkerchief machine, sandwich machine, or any other class or kind of machine, whether enumerated or not, where a fee is charged, which is used for the purpose of amusement, entertainment or for vending commodities, merchandise, confections, or service of any kind and which is operated by coins or metal slugs or

tokens similar to coins, where such fee is in excess of five (5) cents, an annual occupation tax of Ten Dollars (\$10.00) on each machine; where such fee is five (5) cents, an annual occupation tax of Five Dollars (\$5.00), on each machine; and where such fee is One (1) Cent, an annual occupation tax of One (\$1.00) Dollar for each machine; provided that from every owner, manager, or exhibitor of every coin operated marble machine, marble table machine, marble shooting table, or marble machine of any description, whether enumerated or not, where a fee is charged, whether used for the purpose of amusement, entertainment, or for vending commodities, merchandise, confections, or services of any kind, and which is operated by coin or metal slugs or tokens similar to coins or metal slugs where such fee is One (1) Cent or more, an annual occupation tax of Ten Dollars (\$10.00) for each machine; provided that the provisions of this subdivision shall not apply to pay telephones, gas meters, pay toilets and/or sanitary drinking cup vending machines which are operated with coins. It shall be unlawful to operate, show or exhibit any of the machines or instruments covered by this subdivision without having annexed or attached thereto where same is plainly visible, the tax receipt covering such machine or instrument for the current year for which same is operated, shown or exhibited; provided that all funds derived from the occupation tax on such marble machines shall be placed to the credit of the State Available School Fund.

Sec. 2. Every person, firm, or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof fined in any sum not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact of the crowded condition of the calendar and the importance of this law to the people of this State create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring that all

bills be read on three several days in each house, and said rule is hereby suspended, and this Act shall take effect and be in full force from and after its final passage; and it is so enacted.

Committee Amendment No. 2.

Amend the bill by striking out the caption and inserting in lieu thereof the following caption:

A BILL

To Be Entitled

An Act levying an annual occupation tax upon all machines and other devices of whatsoever kind and description operated by coins, metal slugs or tokens similar to coins, for the purpose of amusement, entertainment, or vending commodities, merchandise, or confections, or for services of any kind, exempting pay telephones, gas meters, pay, toilets and sanitary drinking cup vending machines from the provision of this Act, providing a penalty for the violation of the provisions of this Act and providing that all laws and parts of laws in conflict herewith are hereby repealed and declaring an emergency.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 163, A bill to be entitled "An Act ceding to the City of Corpus Christi, Texas, all public lands within the bed of the Nueces River, from its mouth to its junction with the eastern boundary line of McMullen County, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 194, A bill to be entitled

"An Act authorizing certain independent school districts to receive donations of cash and donations of land upon which to build, erect and construct buildings in which its junior colleges may be maintained and operated and wherein an additional two (2) years college work may be taught so as to constitute a university; authorizing the board of education or board of trustees of such school districts to borrow money from the Federal Emergency Administration of Public Works under the provisions of the National Industrial Recovery Act, and from other sources, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, October 11, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 178, A bill to be entitled "An Act providing for the levying of a special tax not to exceed a certain rate for the purpose of paying interest and sinking fund on a loan or loans from the Federal Government; authorizing the boards of trustees of any common school district of this State containing not less than one hundred (100) and not more than one hundred seventy-five (175) scholastics according to the last approved census roll on file in the office of said county, and being located in counties containing a population of not less than thirteen thousand nine hundred twenty (13,920) and not more than thirteen thousand nine hundred and seventy-five (13,975) inhabitants according to the last preceding Federal Census, together with the consent and approval of the county school superintendent and the county board of education to pledge tax receipts to pay same; providing for contract with Federal Government for erection of buildings for school purposes; authorizing boards of trustees to execute quit claim deeds therefor; providing for creation of lease contracts upon certain terms whereby the rent



money becomes a part of the purchase price of school buildings and school property; providing for the final ownership of property by school boards; providing for a term for pledge and/or lease; authorizing boards of trustees with the consent of the county school superintendent and county board of education to pledge tax receipts in payment of said lease contract; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 164, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than twenty-four thousand sixty (24,060) and not more than 24,100, according to the last Federal census, and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 213, A bill to be entitled "An Act for the purpose of opening the waters of Lavaca Bay in Calhoun County, Texas, for shrimp trawling during the months of September, October, November and December of each year; opening Powder Horn Lake in Calhoun County, Texas, for seining during the months of December, January and February of each year; repealing all laws in

conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 141, A bill to be entitled "An Act making it lawful to kill squirrels in Coleman and Palo Pinto Counties at any time; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 203, A bill to be entitled "An Act amending Acts, 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, relating to fishing in Gillespie and other counties so as to change the tackle that may be lawfully used; the period for the open season the legal length for certain fish; the number of fish which may be caught in Kendall County; prescribing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be not printed.

REDDITT, Chairman.

Committee Amendment No. 1.

H. B. No. 203 is hereby amended by striking out Section No. 6 and substituting in lieu thereof five sections to be numbered as Sections No. 6, 7, 8, 9, and 10 to read as follows:

Section 6. It shall be unlawful for any citizen of this State to take, catch or attempt to take or catch any fish from any fresh water in this State without first having procured a

Resident Angler's License for which he shall have paid the sum of one dollar and ten cents (\$1.10), provided that such Resident Angler's License shall not be required of any citizen fishing in the county of his residence or in a fresh water stream where it borders the county of his residence, nor of any citizen under the age of 17 years or over the age of 70 years.

Sec. 7. Any person catching, taking or attempting to catch or take any fish from any of the fresh waters in this State without first having procured or without having in his possession such valid license as is required of him under the provisions of this Act, or any person who fails or refuses on demand of any officer of this State to show such officer the license required of him by this Act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars.

Sec. 8. The licenses provided for herein shall be procured from the Game, Fish and Oyster Commission or one of its authorized agents or from a county clerk of this State, and it shall be the duty of the Game, Fish and Oyster Commission to provide such agents or such county clerks with such licenses for issuance. All licenses not otherwise provided for shall be valid until August 31 following date of issuance. Agents of the Game, Fish and Oyster Commission of county clerks issuing licenses shall be entitled to a fee of ten (10) cents for each fishing license issued. It shall be the duty of any officer issuing licenses herein provided for, after deducting the fees to which he is entitled, to remit to the Game, Fish and Oyster Commission at its office in Austin, Texas, all other moneys which he has collected from the sale of such licenses and it shall be the duty of the said Game, Fish and Oyster Commission to deposit such moneys in the State Treasury of this State to the credit of the Special Fish Propagation and Protection Fund together with all moneys collected from fines because of violations of this Act. And such funds shall be used for all the purposes provided by law for the use of the Special Fish Propagation and Protection Fund. It shall be the duty of any person issuing licenses

provided for in this Act to make a monthly report to the Game, Fish and Oyster Commission on or before the 10th day of each month, giving the name and address of each person to whom a license is issued not previously reported, and the kind of license issued to such person, the number of same and with such report to remit the amount due for all licenses sold.

Sec. 9. If any of the sections, clauses or any provisions of this Act or of any other Act referred to by this Act shall be held to be unconstitutional, or otherwise invalid or unenforceable, such holding shall not have the effect of nullifying or in anywise affecting the remainder of this Act and the part of this Act not so held to be unconstitutional or invalid shall remain in full force and effect.

Sec. 10. The fact that the present law tends to exterminate the fish in Kendall County and the fact that there is no adequate law requiring a license of those who fish outside the county or their residence and that additional revenues are needed by the State of Texas to conduct the necessary work for the preservation and restoration of the wild life resources of this State, and because of the limited time for consideration of this measure create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended and this Act shall take effect from and after its passage and it is so enacted.

#### Committee Amendment No. 2.

Amend H. B. No. 203 by striking out all above the enacting clause and inserting in lieu thereof the following:

#### A BILL

#### To Be Entitled

An Act amending Acts, 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, relating to fishing in Gillespie and other counties so as to change the tackle that may be lawfully used; the period for the open season; the legal length of certain fish; the number of fish which may be caught in Kendall County; providing for a Resident Angler's License and who is required to

obtain same; fixing the fees to be paid for such licenses and the fee to be retained by the officer issuing same; providing suitable penalties for the violation of this Act; providing for remittance of license fees and fines to the Game, Fish and Oyster Commission for deposit in the State Treasury to the credit of the Special Fish Propagation and Protection Fund; providing for the use of such moneys, and declaring the rule of construction and declaring an emergency.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 196. A bill to be entitled "An Act granting authority to the State Highway Department to acquire by purchase, and/or to construct, maintain, operate and control ferries over and across any bay, arm, channel, or salt water lake emptying into the Gulf of Mexico, or any inlet of the Gulf of Mexico, any river or other navigable waters of this State where such ferries connect designated State highways, and which may be made self-liquidating or partially self-liquidating; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 199. A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-third Legislature, Chapter 100, so as to permit the use of natural gas for re-pressuring, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 113. A bill to be entitled "An Act to amend Section 4 of Chapter 13, Acts of the First Called Session of the Thirty-ninth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

#### NINETEENTH DAY—Continued.

Senate Chamber,  
Austin, Texas,  
October 12, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 18.

On motion of Senator Woodward, S. B. No. 18 was laid on the table subject to call.

#### Senate Bill No. 77.

The question recurred upon S. B. No. 77.

The bill was passed to engrossment.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 77 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.